



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07506-00
2 February 2001

CAPT [REDACTED] USNR RET
[REDACTED]
[REDACTED]

Dear Captain [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 5 January 2001, a copy of which is attached. The Board also considered your letter dated 24 January 2001 with enclosure.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-911
5 Jan 01

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO CAPT [REDACTED]
[REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 11 Dec 00

Encl: (1) BCNR File No. 07506-00

1. Per reference (a), enclosure (1) is returned with the recommendation that [REDACTED] petition be denied.
2. [REDACTED] recently completed an active duty and Naval Reserve career that spanned a 33-year period. After completing three years of enlisted service and 30 years of commissioned service, he was required by law, 10 USC 14507, to be retired from the Naval Reserve. He has earned 3667 points and will be eligible for retired pay and allowances on 29 August 2008, his 60th birthday.
3. A review of his participation as a commissioned officer reveals [REDACTED] actively participated in the Naval Reserve as a drilling reservist following his separation from active duty in October 1973. He continued his active participation until September 1993. He also served on active duty during Desert Storm for 316 days. After September 1993 he stopped drilling and transferred to the Individual Ready Reserve (IRR). While in the IRR he participated via correspondence courses to earn retirement point credit.
4. In September 1996 the law changed (10 USC 12733) increasing the maximum number of inactive duty retirement points that could be credited during an anniversary year. The maximum number of points was changed from 50 to 75 points. This change was reflected in a COMNAVRESFOR message to the Naval Reserve Force in 1997 and was published in March 1998 in BUPERSINST 1001.39C (page 20-8). We did not deem it economically prudent to

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICC [REDACTED]

(RET) [REDACTED]

notify more than 141,000 Individual Ready Reservists advising them of this policy change. However, in December 1996 Naval Reserve Personnel Center, which manages the IRR, did post on their website the change in maximum number of creditable retirement points. IRR members are encouraged to periodically visit this site to keep abreast of changes in policies and procedures. Naval Reserve Personnel Center also included an information sheet regarding the increase of creditable retirement points with each member's annual retirement point record, which is mailed to the member.

5. Historically, drilling reservists normally earned 63 or more points per year. Until the law changed in September 1996 reservists could not receive credit for more than 60 points. As a rule reservists did not expect to receive credit for all inactive points earned.

6. Based on the above we find no error or injustice and recommend [REDACTED] petition be denied. [REDACTED] always had the opportunity to earn more points for his anniversary years 13 Sep 96 to 12 Sep 99. He chose not to earn those points apparently because he was unaware that they were creditable towards retirement. Per statute points earned in one anniversary year cannot be credited to another anniversary year, nor does the law (10 USC 14507) allow retention past 30 years of commissioned service for the sole purpose of earning additional retirement points. My point of contact [REDACTED] at [REDACTED].

[REDACTED]
[REDACTED]
Director, Naval Reserve Personnel
Administration Division